

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DONELL J. BLOUNT, SR.,
Plaintiff,

v.

GENE M. JOHNSON, et al.,
Defendants.

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Civil Action No. 7:05CV00556

FINAL ORDER

By Hon. Glen E. Conrad
United States District Judge

In accordance with the accompanying Memorandum Opinion, it is now

ORDERED

as follows:

1. All of the plaintiff's claims in this civil action shall be and hereby are **DISMISSED**, pursuant to 28 U.S.C. § 1915A(b)(1), **with the following exceptions:**
 - a. Claim two, to the extent that it alleges the use of excessive force by Lieutenant Mullins;
 - b. Claim three, to the extent that it alleges that Nurse Moore, Corporal Fields, Corporal McClean, and Sergeant Day acted with deliberate indifference to a serious medical need;
 - c. Claim seven, to the extent that it alleges the use of cruel and unusual punishment by Assistant Warden Armentrout, Dr. Williams, and Nurse Mullins, and deliberate indifference to a serious medical need by Nurse Moore;
 - d. Claim nine, to the extent that it alleges that the following defendants used excessive force and/or failed to protect him from excessive force: Assistant Warden Armentrout, Lieutenant Mullins, Sergeant Tate, Sergeant O'Quinn, Corporal Fleming, Lieutenant Turner, Corporal Lyall, and Corporal Baker; and
 - e. Claim eleven, to the extent that it alleges the use of excessive force by Correctional Officer Smith, and the use of cruel and unusual punishment by Corporal Boyd, Correctional Officer Ratliff, Correctional Officer

Smith and Corporal Lawson.

2. The Clerk shall attempt service of process in the usual manner upon the following defendants: Lieutenant Mullins, Nurse Moore, Corporal Fields, Corporal McClean, Sergeant Day, Assistant Warden Armentrout, Dr. Williams, Nurse Mullins, Sergeant Tate, Sergeant O'Quinn, Corporal Fleming, Lieutenant Turner, Corporal Lyall, Corporal Baker, Correctional Officer Smith, Corporal Boyd, Correctional Officer Ratliff, and Corporal Lawson.
3. All other defendants shall be terminated from the case.
4. The Clerk is directed to forward a copy of the plaintiff's signed consent to withholding form to the Trust Accounts Officer at plaintiff's current place of confinement, and the collection of the \$250.00 fee shall commence. The Trust Accounts Officer at plaintiff's current place of confinement, and at all subsequent places of confinement/incarceration is hereby authorized to collect the fees as agreed to by the plaintiff on the signed consent form, and to remit such fees in accordance with the Prison Litigation Reform Act of 1995, as enacted by Congress on April 26, 1996. The trust officer at the plaintiff's present institution is requested to place the signed consent to withholding form in the plaintiff's file so that it might accompany the inmate in the event of his transfer. Should the inmate be transferred to another institution, the balance due for the civil action will be inserted in inmate's file so that the appropriate officer at the next institution will remit the monies owed to the Clerk, P. O. Box 1234, Roanoke, VA 24006.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff and counsel of record for the defendants.

ENTER: This 14th day of February, 2006.



United States District Judge